
STATUTORY INSTRUMENTS

2023 No. 680

The Portreath, Portscatho and Portwrinkle
Harbour Empowerment Order 2023

PART 2

HARBOURS JURISDICTION

Harbours Jurisdiction

4.—(1) The Council shall exercise jurisdiction as a harbour authority within the meaning of section 57 of the Act of 1964 (interpretation), and the powers of the harbour master shall be exercisable within the harbours, the limits of which are described in the Schedule to this Order and shown on the harbour limits plans.

(2) In the event of any discrepancy between the descriptions of the boundaries of the harbours referred to in the Schedule and the boundaries shown on the harbour limits plans, the limits as shown on the harbour limits plans shall be deemed to be correct and shall prevail.

(3) For and incidental to the performance of their functions under this Order, the Council may employ and appoint harbour masters.

(4) The Council shall, within the harbours, be a local lighthouse authority within the meaning of sections 193 (general and local lighthouse authorities) and 201 (powers of harbour authorities) of the Act of 1995.

Amendment of the Harbour Revision Order

5.—(1) From the date of this Order the Harbour Revision Order is amended as follows.

(2) In article 2 (interpretation)—

- (a) in the definition of “harbours”, after “Penzance,” insert “Portreath, Portscatho, Portwrinkle,”;
- (b) in the definition of “harbour limits plans”, after “the Penzance Harbour Limits Plan,” insert “the Portreath Harbour Limits Plan, the Portscatho Harbour Limits Plan, the Portwrinkle Harbour Limits Plan,”;
- (c) in the appropriate places insert—

““Harbour Empowerment Order” means the Portreath, Portscatho and Portwrinkle Harbour Empowerment Order 2023;”;

““Portreath Harbour Limits Plan” means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked “Signed Portreath Harbour Limits Plan referred to in the Portreath, Portscatho and Portwrinkle Harbour Empowerment Order 2023” one copy of which is deposited at the offices of the Marine Management Organisation and one copy at the principal office of the Council;”;

““Portscatho Harbour Limits Plan” means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked “Signed Portscatho Harbour Limits Plan referred to in the Portreath, Portscatho and Portwrinkle Harbour Empowerment Order 2023” one copy of which is deposited at the offices of the Marine Management Organisation and one copy at the principal office of the Council;”;

““Portwrinkle Harbour Limits Plan” means the plan prepared in duplicate, signed on behalf of the Marine Management Organisation and marked “Signed Portwrinkle Harbour Limits Plan referred to in the Portreath, Portscatho and Portwrinkle Harbour Empowerment Order 2023” one copy of which is deposited at the offices of the Marine Management Organisation and one copy at the principal office of the Council;”.

(3) In article 50 (power to dredge) after paragraph (3) insert—

“(4) The exemption in section 75 of the Marine and Coastal Access Act 2009 (exemptions for certain dredging etc activities) shall not apply to the harbours of Portreath, Portscatho and Portwrinkle.”.

(4) In Schedule 1 (limits of the harbours)—

(a) in the appropriate place insert—

“Portreath Harbour

5. The area within an imaginary line commencing at a point (50°15'50.51837"N, 005°17'31.53797"W) then in a straight line in a south westerly direction to a point at the northern end of the pier (50°15'49.09131"N, 005°17'34.40843"W) then following the seaward side of the pier along the level of high water and then in a southerly direction to a point (50°15'40.92978"N, 005°17'30.75737"W), then following the level of high water around the two tidal basins and turning basin (along the north eastern side) back to the point of commencement (50°15'50.51837"N, 005°17'31.53797"W) and the harbour premises, as shown outlined red on the Portreath Harbour Limits Plan.

Portscatho Harbour

6. The area within an imaginary line commencing at a point (50°10'43.64932"N, 004° 58'16.91173"W) then in a straight line in a north easterly direction to a point at (50°11'08.41656"N, 004°58'06.31798"W) then following the level of high water along the coast back to the point of commencement (50°10'43.64932"N, 004°58'16.91173"W) and the harbour premises, as shown outlined red on the Portscatho Harbour Limits Plan.

Portwrinkle Harbour

7. The area within an imaginary line commencing at a point (50°21'40.44036"N, 004°18'53.92665"W) then following the level of high water around the northern edge of the harbour to the northern edge of the quay and then in a straight line in an easterly direction to a point at the north eastern end of the quay (50°21'40.23610"N, 004°18'50.65529"W) then following the seaward side of the quay along the level of high water to a point (50°21'39.95922"N, 004°18'54.16899"W), then in a straight line in a north east easterly direction back to the point of commencement (50°21'40.44036"N, 004°18'53.92665"W) and the harbour premises, as shown outlined red on the Portwrinkle Harbour Limits Plan.”;

(b) after the heading “Prince of Wales Pier” substitute “5” for “8”;

(c) after the heading “St Ives Harbour”, substitute “6” for “9”;

- (d) after the heading “Port of Truro”, substitute “7” for “10”.
- (5) In Schedule 5 (Acts and Orders), in the appropriate place insert—
 - “**8.** Portreath, Portscatho and Portwrinkle Harbour Empowerment Order 2023.”.